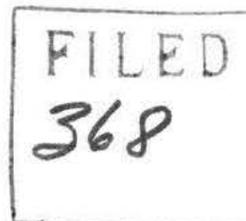


(Answer by Letter) Klaffenbach

OPINION LETTER NO. 368

June 26, 1970



Honorable Thomas I. Osborne  
Prosecuting Attorney  
Audrain County Court House  
Mexico, Missouri 65265

Dear Mr. Osborne:

This letter is in response to your opinion request in which you inquire as to whether Section 57.430, RSMo Supp. 1967, entitles a sheriff to receive multiple allowances in a situation which the sheriff made one trip to Buchanan County in one motor vehicle and served three warrants issued on separate felony complaints.

Section 57.430, RSMo Supp. 1967, states as follows:

"In addition to the salary provided in sections 57.390 and 57.400, the county court shall allow the sheriffs and their deputies, payable at the end of each month out of the county treasury, actual and necessary expenses for each mile traveled in serving warrants or any other criminal process not to exceed ten cents per mile, and actual expenses not to exceed ten cents per mile for each mile traveled, the maximum amount allowable to be two hundred dollars during any one calendar month in the performance of their official duties in connection with the investigation of persons accused of or convicted of a criminal offense. When mileage is allowed, it shall be computed from the place where court is usually held,

Honorable Thomas I. Osborne

and when court is usually held at one or more places, such mileage shall be computed from the place from which the sheriff or deputy sheriff travels in performing any service. When two or more persons who are summoned, subpoenaed, or served with any process, writ, or notice, in the same action, live in the same general direction, mileage shall be allowed only for summoning, subpoenaing or serving the most remote.

"2. At the end of each month, the sheriff and each deputy shall file with the county court an accurate and itemized statement, in writing, showing in detail the miles traveled by such officer, the date of each trip, the nature of the business engaged in during each trip, and the places to and from which he has traveled. Such statement shall be signed by the officer making claim for reimbursement, verified by his affidavit, and filed by him with the county court. Whenever claim for reimbursement is made by a deputy, his statement shall also be approved in writing by the sheriff. The county court shall examine every claim filed for reimbursement, and if found correct, the county shall pay to the officer entitled thereto, the amount found due as mileage."

We wish to point out that this section is a reimbursement section and authorizes only the actual and necessary expenses for each mile traveled in serving warrants or other criminal process not to exceed 10 cents per mile for each such trip and the claim for reimbursement must be verified by the sheriff and shown in detail and approved by the County Court.

We note that Section 57.430 does not allow the sheriff a flat ten cents per mile for each mile traveled but allows only a maximum of ten cents per mile for actual and necessary expenses for each mile traveled to serve warrants or other criminal process.

Further in our view, it was not the legislative intent to allow duplication in expenses in such a case involving one trip.

Yours very truly,

JOHN C. DANFORTH  
Attorney General